

Translation

PATENT COOPERATION TREATY

PCT/EP2003/004382



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P037163/WO/1	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/004382	International filing date (<i>day/month/year</i>) 26 April 2003 (26.04.2003)	Priority date (<i>day/month/year</i>) 12 June 2002 (12.06.2002)
International Patent Classification (IPC) or national classification and IPC B60N 2/56, B60H 1/00		
Applicant DAIMLERCHRYSLER AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 21 August 2003 (21.08.2003)	Date of completion of this report 12 August 2004 (12.08.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/004382

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-7 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-3 _____, filed with the letter of _____ 15 June 2004 (15.06.2004)
- ☒ the drawings:
pages _____ 1/2-2/2 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-3	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-3	NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following document:

D1: EP 1 203 681 A.

1. The present application does not satisfy the requirements of PCT Article 33(1) because the subject matter of independent claim 1 does not involve an inventive step (PCT Article 33(3)).

D1, the closest prior art, discloses (see paragraphs 7 to 10; fig. 1, 2):
a vehicle seat of an open-top motor vehicle, comprising an air supply device (14) and an air outflow opening (18), which is provided in the upper region of the vehicle seat and by means of which the head, shoulder and neck region of the seat occupant can be exposed to an air flow produced by a blower (38) in order to reduce undesirable draught phenomena, the air flow, when the air supply device blower is switched on, being controllable by means of a control device in dependence upon a set point, which can be selected by the seat occupant, and upon the travelling speed of the motor vehicle.

The subject matter of claim 1 differs from this known vehicle seat in that these two competing control variables are to be processed in such a way that the seat occupant set point forms a fundamental value which is then the basis for further control in dependence upon the vehicle speed.

D1 does not specify how this is done in the case of the D1 vehicle seat. There are, however, only two possibilities, namely the cumulative processing described in the invention or alternative processing by means of priority control. The selection of one of these two possibilities is a decision that a person skilled in the art has to make in the course of his normal activities if he wishes to produce the vehicle seat defined in D1. If he prefers a more comfort-oriented control system, he will arrive directly at the subject matter of claim 1 in an obvious manner.

2. The subject matter of the dependent claims likewise involves no inventive step, since the additional features of these claims are also known from D1 (see above citation).

re Certain defects in the international application

3. Contrary to the requirements of PCT Rule 5.1(a)(ii) neither the relevant prior art disclosed in D1 nor that document has been indicated in the description.

re Certain observations on the international application

4. Contrary to the requirements of PCT Article 6, the subject matter of claim 1 is not clearly defined,

since it is referred to as "vehicle seat of an open-top motor vehicle" and not "vehicle seat for an open-top motor vehicle". It is not therefore clear whether or not the motor vehicle is part of the subject matter.

5. The description has not been brought into line with the newly filed claims. The resulting inconsistency between the claims and the description raises doubts as to the subject matter for which protection is sought. The claims are not therefore clear (PCT Article 6).

Patent claims

1. A vehicle seat of an open-top motor vehicle having an air supply device (14) and having at least one air outflow opening (18), which is provided in the upper region of the vehicle seat (12), of the air supply device (14), via which an airstream (L) generated by a blower (38) can be applied to the head area, shoulder area and nape area of the sitting vehicle occupant in order to reduce undesired draught phenomenon, and wherein the airstream (L) can be regulated by means of a control device (24) of the air supply device (14), characterized in that, when the blower (38) of the air supply device (14) is switched on, the airstream (L) is adjusted by means of the control device (24) as a function of a predefined value, selectable by the sitting vehicle occupant, to an assigned basic value (G1-G3), starting from which the further adjustment of the airstream (L) is carried out as a function of the velocity of the motor vehicle.

2. The vehicle seat as claimed in claim 1, characterized in that the basic value (G1-G3) of the airstream (L) is determined by an assigned fan speed (n) of the blower (38) and an assigned heating power (h) of a heating element (39).

3. The vehicle seat as claimed in claim 1, characterized in that during the further adjustment of the airstream (L), the fan speed (n) of a blower (38) can be adjusted as a function of the velocity of the motor vehicle.